

# MAINE STATE LEGISLATURE

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SEN. DANA L. DOW  
SEN. JEFFREY L. TIMBERLAKE  
REP. MATTHEW W. MOONEN  
REP. RYAN M. FECTEAU  
REP. KATHLEEN R.J. DILLINGHAM  
REP. HAROLD TREY STEWART III

129<sup>th</sup> MAINE STATE LEGISLATURE  
LEGISLATIVE COUNCIL

**LEGISLATIVE COUNCIL  
MEETING SUMMARY  
February 28, 2019  
Approved March 28, 2019**

**CALL TO ORDER**

President Jackson called the February 28, 2019 meeting of the 129<sup>th</sup> Legislative Council to order at 1:39 p.m. in the Legislative Council Chamber.

**ROLL CALL**

Senators:	President Jackson, Senator, Libby, Senator Vitelli, and Senator Dow
Absent:	Senator Timberlake (arrived late)
Representatives:	Speaker Gideon, Representative Moonen, Representative Fecteau, and Representative Stewart
Absent:	Representative Dillingham
Legislative Officers:	Darek Grant, Secretary of the Senate Robert Hunt, Clerk of the House Grant T. Pennoyer, Executive Director of the Legislative Council Suzanne Gresser, Revisor of Statutes Chris Nolan, Director, Office of Fiscal and Program Review John Barden, Director, Law and Legislative Reference Library Nik Rende, Director, Legislative Information Technology

President Jackson convened the meeting at 1:39 p.m. with a quorum of members present.

**SUMMARY OF JANUARY 24, 2019 MEETING OF LEGISLATIVE COUNCIL**

**Motion:** That the Meeting Summary for January 24, 2019 be accepted and placed on file. Motion by Senator Libby. Second by Speaker Gideon. **Motion passed unanimously (8-0-0-2,** with Senator Timberlake and Representative Dillingham absent).

**REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES**

**Executive Director's Report**

Grant Pennoyer, Executive Director, presented the following report.

1. Committee Room Microphone Replacements

New microphones were installed in the Legislative Council Chamber on Monday, February 25<sup>th</sup>. With this replacement completed, only the Senate Chamber microphones remain to be replaced. We will be working with the Senate to schedule the upgrade.

2. MELD Replacement Project

The information system project to replace the outdated bill production system, MELD, continues to progress well. While some of the more complex system development has fallen slightly behind schedule, we are still on track to do some parallel production testing of bills and amendments during the 1<sup>st</sup> Regular Session of the 129<sup>th</sup> Legislature beginning in April with the complete switch over to the new Bill Production System by the 2<sup>nd</sup> Regular Session.

3. Legislators' Tax Packages

A packet of tax information prepared by the Legislative Finance Director was released to current Legislators and mailed to former Legislators on Tuesday, January 22<sup>nd</sup>. This year's tax package included more information than previous years about all income, reimbursements and allowances from the Legislature in an effort to preempt frequently asked questions. We also included some guidance from the Maine Society of CPA's and NCSL to help with recent federal tax changes.

4. New Employee Orientation

On Friday, January 25<sup>th</sup>, we held an additional new employee orientation session for those that were not able to make the first one scheduled in December or that were hired after the first orientation session. 33 staff attended this session.

## Fiscal Report

Chris Nolan, Director, Office of Fiscal and Program Review, presented the following report.

1. General Fund Revenue Update

**Total General Fund Revenue - FY 2019 (\$'s in Millions)**

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
January	\$383.7	\$378.8	(\$4.9)	-1.3%	\$367.6	3.0%
FYTD	\$2,274.9	\$2,283.0	\$8.1	0.4%	\$2,152.5	6.1%

General Fund revenue was under budget by \$4.9 million (1.3%) for the month of January but over budget by \$8.1 million (0.4%) for the fiscal year to date. Individual income tax revenue was under budget by \$14.7 million for the month and by \$18.8 million for the fiscal year to date. Individual estimated income tax payments were \$10.2 million under budget for January and are \$21.9 million under budget for the fiscal year to date. It is still possible that once April's returns are processed, actual payments will be closer to budgeted levels. Individual withholding income tax payments were \$10.5 million under budget for January but are still slightly above budget for the fiscal year to date. Corporate income tax revenue was over budget by \$1.4 million for the month and by \$19.1 million for the fiscal year to date. Sales and use tax revenue (December sales) was under budget by \$2.2 million for January but is still slightly above budget for the fiscal year to date. BETE reimbursements to municipalities continue to exceed budget levels for the fiscal year to date (negative impact on revenue) while BETR reimbursements continue to lag behind budgeted levels.

## 2. Highway Fund Revenue Update

<b>Total Highway Fund Revenue - FY 2019 (\$'s in Millions)</b>						
	Budget	Actual	Var.	% Var.	Prior Year	% Growth
January	\$27.1	\$29.4	\$2.3	8.4%	\$28.2	4.3%
FYTD	\$204.9	\$206.8	\$2.0	1.0%	\$199.3	3.8%

Highway Fund revenue was over budget by \$2.3 million (8.4%) for the month of January and by \$2.0 million (1.0%) for the fiscal year to date. Fuel taxes were over budget by \$0.6 million for the month but under budget by \$0.8 million for the fiscal year to date. Motor vehicle registrations and fees were over budget for the month by \$1.9 million and over budget for the fiscal year to date by \$2.9 million.

## 3. Cash Balances Update

The average balance in the cash pool for January was \$1,434.4 million, an increase from December's average of \$1,371.4 million and above both last January's average balance and the ten-year average for the month. General Fund internal borrowing from other funds was not needed in January (has not been needed since April of 2016). The average Highway Fund balance of \$27.7 million in January was up from December's average of \$25.3 million and well above last January's average balance.

## REPORTS FROM COUNCIL COMMITTEES

### 1. Personnel Committee

Speaker Gideon reported that the Personnel Committee met on Wednesday, February 20<sup>th</sup> to consider the following matters:

#### 1. Workday Maine (formerly SOMER) Update

Ms. Little provided the committee with an update regarding the Workday Maine HR System project.

#### 2. Harassment Prevention Update

Ms. Little provided updates about harassment prevention training for staff, supervisors, legislators and lobbyists. The committee reviewed the draft policy and provided Ms. Little with guidance. No action is required. This item will be discussed at a future meeting.

#### 3. Vacation Policy and Use of Accrued Leave

Mr. Pennoyer presented a potential revision to the Vacation Accrual Policy that would be discussed as part of collective bargaining. The committee provided some guidance and feedback. No action is required.

#### 4. New Member Orientation/Pre-Legislative Conference

The committee provided Mr. Pennoyer with guidance about future New Member Orientation and Pre-Legislative Conference events.

#### 5. Electronic Communication Guidelines for Legislators and Legislative Staff.

Mr. Pennoyer provided an overview of the electronic communications policy that was presented as part of Chairs and Leads orientation. After discussion, the committee asked Mr. Pennoyer to provide some additional information at a future meeting.

6. Speaker's Initiative: Onsite Child Care

The committee considered a request by the Speaker of the House regarding Onsite Child Care. Ms. Little provided the committee with some preliminary research. The committee identified some next steps for Ms. Little and Mr. Pennoyer to take regarding this matter. This matter will be discussed at a future meeting.

7. Performance Evaluation and Step Increase – Suzanne Gresser

The committee reviewed the performance of Susanne Gresser, Revisor of Statutes. No action is required.

8. Performance Evaluation – John Barden

The committee also reviewed the performance of John Barden, Director of the Law and Legislative Reference Library. No action is required.

**2. State House Facilities Committee**

No Report

**OLD BUSINESS**

**Item #1: Council Actions Taken by Ballot**

**Requests for Introduction of Legislation:**

**LR 2271      An Act To Perform a Comprehensive Review of Emergency Medical Services in the State**

Submitted by: Representative Kathleen Dillingham  
Date: January 31, 2019  
Vote: 10-0-0-0 Passed

**LR 2272      An Act To Create a Task Force to Address and Improve Tribal Relations**

Submitted by: Representative Kathleen Dillingham  
Date: January 31, 2019  
Vote: 10-0-0-0 Passed

**LR 2271      An Act To Support E-9-1-1 Dispatchers and Corrections Officers Diagnosed with Post-traumatic Stress Disorder**

Submitted by: Representative Kathleen Dillingham  
Date: January 31, 2019  
Vote: 10-0-0-0 Passed

**LR 2386      An Act To Clarify That Food and Food Products Containing Hemp-derived Cannabidiol Produced and Sold within the State Are Not Adulterated**

Submitted by: Representative Craig Hickman  
 Date: February 5, 2019  
 Vote: 10-0-0-0 Passed

**LR 2295      An Act To Allow Maine Clean Election Act Funds To Be Used for Election Recounts**

Submitted by: Representative Kent Ackley  
 Date: February 7, 2019  
 Vote: 7-2-1-0 Passed (with Senator Timberlake and Representative Dillingham opposed and Representative Moonen abstaining)

**LR 2413      An Act to Exempt Holders of Gold Star Family Registration Plates from Vehicle Registration Fees**

Submitted by: Representative Justin Fecteau  
 Date: February 21, 2019  
 Vote: 10-0-0-0 Passed

**LR 2414      An Act To Allow Holders of Gold Star Family Registration Plates To Be Issued Complementary Licenses To Hunt, Trap and Fish**

Submitted by: Representative Justin Fecteau  
 Date: February 21, 2019  
 Vote: 10-0-0-0 Passed

## **NEW BUSINESS**

### **Item #1: Consideration of After Deadline Requests**

The Legislative Council proceeded to consider and vote on twenty-four (24) after deadline bill requests and eight (8) Joint Resolutions. The Legislative Council authorized twenty (20) bills and five (5) Joint Resolutions for introduction in the Second Regular Session, three (3) bills were tabled, and one (1) bill and three (3) Joint Resolutions remain tabled from a previous meeting. The Legislative Council's action on the bill requests is attached.

### **Item #2: Report from the Office of the State Auditor**

The Office of the State Auditor submitted a report for the Legislative Council's information regarding the audit for the year ending June 30, 2018.

## **ANNOUNCEMENTS AND REMARKS**

With no other business to consider or further announcements, the Legislative Council meeting was adjourned at 2:47 p.m.

**129th Maine State Legislature  
Legislative Council Action Taken on  
Requests to Introduce Legislation  
First Regular Session  
February 28, 2019**

**AFTER DEADLINE BILL REQUESTS**

**SPONSOR:**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2409	An Act To Amend Certain Laws Related to Members of the Military and Maine's National Guard	PASSED
2410	An Act To Amend the Laws Governing Veterans' Services	PASSED
2411	An Act To Amend the Laws Governing Military Services	PASSED

**SPONSOR: Rep. Michael F. Brennan**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2424	An Act To Support Infrastructure Improvements in Schools	PASSED

**SPONSOR: Sen. Michael E. Carpenter**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2412	An Act To Amend the Charter of the Fort Fairfield Utilities District	PASSED

**SPONSOR: Spkr. Sara Gideon**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2427	An Act To Institute Performance-based Rates for Electric Utilities	PASSED

**SPONSOR: Rep. Fran M. Head**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2294	An Act Authorizing the Deorganization of Magalloway Plantation	PASSED

**SPONSOR: Sen. Erin Herbig**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2270	An Act To Exempt Auctioneers from Certain Record-keeping Requirements	PASSED
2423	An Act To Strengthen the School Transportation Workforce	PASSED

**SPONSOR: Rep. Patty Hymanson**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2429	An Act To Amend the Marijuana Laws To Correct Inconsistencies in Recently Enacted Laws	PASSED

**SPONSOR: Pres. Troy Dale Jackson**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2422	An Act To Open Maine's Primaries To Cast Ballots in Primary Elections Starting in 2020	TABLED

**SPONSOR: Sen. Lisa Keim**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2417	An Act To Increase the Availability of Foster Homes	PASSED

**SPONSOR: Rep. Dennis L. Keschl**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2293	An Act To Allow Insurance, Professional and Occupational, Financial Institution and Other Regulators To Lower Fees by Order	PASSED

**SPONSOR: Sen. Louis J. Luchini**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2428	An Act Regarding the Water Quality of the Union River	PASSED

**SPONSOR: Rep. Peter Lyford**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2397	An Act To Allow Certain Licensees To Be Classified as Purveyors of Alcoholic Beverages and To Be Eligible To Conduct Additional Retail Taste-testing Events	TABLED

**SPONSOR: Rep. Danny Martin**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2425	An Act To Change the Name of the Township 17, Range 3 to Van Buren Cove	PASSED

**SPONSOR: Rep. Trey Stewart**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2426	An Act To Prevent Hazing on College Campuses in Maine	PASSED



**SPONSOR: Sen. Jeff Timberlake**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2415	An Act To Eliminate the Fee for Gold Star Family Vanity Registration Plates	TABLED

#### LATE-FILED MAJOR SUBSTANTIVE RULES

**SPONSOR:**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2419	Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapters II and III, Section 40: Home Health Services, a Late-filed Major Substantive Rule of the Department of Health and Human Services	PASSED

#### TABLED BY THE LEGISLATIVE COUNCIL

#### AFTER DEADLINE BILL REQUESTS

**SPONSOR: Pres. Troy Dale Jackson**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2266	An Act To Ban Use of Aerial Herbicide Spraying for the Purpose of Deforestation	Tabled 01/24/19 PASSED 2/28/19
2267	An Act To Establish Clear Standards for Outcome-based Forestry	Tabled 01/24/19

**SPONSOR: Rep. Dennis L. Keschl**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2238	An Act To Improve State Park Facilities	Tabled 01/24/19 PASSED 2/28/19

**SPONSOR: Sen. Dave Miramant**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2251	An Act To Provide Consistency in the Laws Governing Culvert Replacement	Tabled 01/24/19 PASSED 2/28/19

**SPONSOR: Sen. David Woodsome**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2268	An Act To Require That Certain Motor Vehicles Be Clear of Snow and Ice When Operated on Public Ways	Tabled 01/24/19 PASSED 2/28/19

## JOINT RESOLUTIONS

**SPONSOR: Sen. Shenna Bellows**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
223	JOINT RESOLUTION MEMORIALIZING MAINE'S CONGRESSIONAL DELEGATION TO SUPPORT THE SOCIAL SECURITY FAIRNESS ACT OR OTHER LEGISLATION TO REPEAL BOTH THE WINDFALL ELIMINATION PROVISION AND THE GOVERNMENTAL PENSION OFFSET PROVISIONS OF THE FEDERAL SOCIAL SECURITY ACT	Tabled 01/24/19

**SPONSOR: Rep. Seth A. Berry**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
248	JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO ALLOW DRUGS TO BE IMPORTED FROM CANADA	Tabled 01/24/19 PASSED 2/28/19

**SPONSOR: Sen. Brownie Carson**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2254	JOINT RESOLUTION MEMORIALIZING THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY TO EXPRESS THE STATE'S OPPOSITION TO THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY'S REVISED SUPPLEMENTAL COST FINDING FOR THE MERCURY AND AIR TOXICS STANDARDS	Tabled 01/24/19 PASSED 2/28/19

**SPONSOR: Rep. Donna R. Doore**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
452	JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO SUPPORT ELIMINATING THE WINDFALL ELIMINATION PROVISION FROM THE FEDERAL SOCIAL SECURITY ACT	Tabled 01/24/19

**SPONSOR: Rep. Jeffrey Evangelos**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1339	JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO SUPPORT THE PLEDGES MADE BY THE UNITED STATES IN THE PARIS AGREEMENT	Tabled 01/24/19 PASSED 2/28/19

**SPONSOR: Sen. Geoff Gratwick**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
887	JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO LEAD A GLOBAL EFFORT TO PREVENT NUCLEAR WAR	Tabled 01/24/19 PASSED 2/28/19

**SPONSOR: Pres. Troy Dale Jackson**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1141	JOINT RESOLUTION MEMORIALIZING THE UNITED STATES INTERNAL REVENUE SERVICE TO GRANT EVERY POSSIBLE CONSIDERATION TO THE OFFER IN COMPROMISE SUBMITTED BY OUR KATAHDIN	Tabled 01/24/19

**SPONSOR: Rep. Chloe Sophia Maxmin**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
801	JOINT RESOLUTION MEMORIALIZING THE PRESIDENT AND CONGRESS OF THE UNITED STATES TO SUPPORT THE REFORM OF THE SOCIAL SECURITY OFFSETS OF THE GOVERNMENT PENSION OFFSET AND THE WINDFALL ELIMINATION PROVISION	Tabled 01/24/19 PASSED 2/28/19